

### **REMARKS**

The present Amendment amends claims 1-6 and 10-13 and leaves claims 7-9 and 14-20 unchanged. Therefore, the present application has pending claims 1-20.

The Abstract stands objected to due to informalities noted by the Examiner in paragraph 1 of the Office Action. Amendments were made to the Abstract to correct the informalities noted by the Examiner. Therefore, this objection is overcome and should be withdrawn.

Claim 10 stands objected to due to informalities noted by the Examiner in paragraph 2 of the Office Action. Amendments were made to claim 10 to correct the informalities noted by the Examiner. Therefore, this objection is overcome and should be withdrawn.

Claims 1-5 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as their invention. Various amendments were made throughout claims 1-5 to bring them into conformity with the requirements of 35 USC §112, second paragraph. Therefore, Applicants submit that this rejection overcome and should be withdrawn.

Applicants acknowledge the Examiner's indication in paragraph 5 of the Office Action that claims 11 and 13 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Amendments were made to claims 11 and 13 to place them in independent form including all the limitations of the base and any intervening claims. Therefore, claims 11 and 13 are allowable as indicated by the Examiner.

Applicants also acknowledge the Examiner's indication in paragraph 6 of the Office Action that claims 14-20 are allowed.

Claims 1-10 and 12 stand rejected under 35 USC §102(b) as being anticipated by Nakamura (U.S. Patent No. 6,782,035). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claims 1-10 and 12 are not taught or suggested by Nakamura whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to each of claims 1-10 and 12 to more clearly describe features of the present invention. Particularly, amendments were made to these claims to more clearly describe that the present invention is directed to a method and radio base station for performing of mobile communication between the base station and a mobile station, wherein call control information is transmitted through a call control channel and a spread code, used for despreading demodulation of the call control information, is transmitted through a perch channel. According to the present invention, the perch channel and the call control channel are transmitted so as to be arranged relative to each other in a non-overlapping manner in a time base. By use of the present invention by arranging the perch channel and the call control channel in the manner described above, for example, the error rate becomes less than or equal to a threshold level when the mobile station receives the call control channel. Alternatively, the perch channel and the

call control channel are arranged such that the mobile station can demodulate the call control channel.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the other references of record, particularly Nakamura, whether taken individually or in combination with each other.

Nakamura teaches a base station apparatus for performing communication with a mobile station by use of CDMA signals. Nakamura teaches, for example, in Fig. 85 thereof that the frame of the control channel referred to as the forward common control physical channel is offset with respect to the perch channel. In Nakamura it is quite clear that the long code mask signal of the perch channel appears to overlap in a time base with the starting edge of the forward common control channel. Nakamura further teaches in Fig. 4 thereof that the portion in the perch channel is not arranged in relationship to the call control channel nor used in the control channel interleaved by the traffic channel. Thus, there is no teaching or suggestion in Nakamura that the control channel and the perch channel are arranged in a non-overlapping manner in a time base as in the present invention.

Therefore, Nakamura fails to teach or suggest that the perch channel and the call control channel are transmitted to be arranged relative to each other in a non-overlapping manner in a time base as recited in the claims.

As is quite clearly from the above, the features of the present invention now more clearly recited in the claims are not taught or suggested by Nakamura whether taken individually or in combination with any of the other references of record.

Accordingly, reconsideration and withdrawal of the 35 USC §102(b) rejection of claims 1-10 and 12 as being anticipated by Nakamura is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the reference utilized in the rejection of claims 1-10 and 12.

In view of the foregoing amendments and remarks, applicants submit that claims 1-20 are in condition for allowance. Accordingly, early allowance of claims 1-20 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (566.39849X00).

Respectfully submitted,

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